

REMARKS/ARGUMENTS

Claims 1-35 are pending in the present application, of which claims 22-35 have been withdrawn from consideration. Claims 1, 2, 13, 14 and 20 have been amended. New claims 36-37 have been added. The amendments add no new matter. Reconsideration of the present application is respectfully requested in light of the following remarks.

Priority

In the Office Action, the Examiner found that Page 1 of the specification does not disclose the relationship between the instant application and U.S. Patent Application No. 09/389,933. Applicants have made amendments to the specification to show the relationship between the instant application and U.S. Patent Application No. 09/389,933.

Drawings

In the Office Action, the Examiner has found that Figures 28-33 and 35-43 contained improper shading that may affect clarity when reproduced. Applicants are submitting replacement drawings to address the Examiner's objections.

Claim Rejections - 35 USC §101

Claims 1-21 were rejected under 35 U.S.C. 101 because allegedly the claimed invention is directed to non-statutory subject matter. In order to further the prosecution of the present application, Applicants have amended claims 1, 2, 13 and 14 without acquiescence and prejudice, as set forth above. Applicants respectfully submit that the amended claims overcome the section 101 rejections. Furthermore, considering that dependent claims 2-21 include all of the features and elements of amended claim 1 from which they depend, these claims are also patentable at least to the same extent that amended independent claim 1 is patentable.

Claim Rejections - 35 USC §102

Claims 1-21 were rejected as allegedly being anticipated by U.S. Patent Number 6,782,307 to Wilmott et al. ("Wilmott"). In order to further the prosecution of the application, Applicants have amended 1, 2, 13 and 14 without acquiescence and prejudice, as set forth above. Applicants respectfully submit that the amended claims are not anticipated by Wilmott for reasons set forth below.

Applicants respectfully submit that Wilmott fails to disclose or suggest each element of amended claim 1. A novel feature of the presently claimed invention lies in its use of rather fanciful images (for example see Figs. 28-33 and Figs. 35-43) that convey a mood or a feeling to help associate a personal care product with the mood or feeling and thus include subjective factors in generating consumer-specified and computer-readable preference data using a user interface of a host computer in the retail environment. Another novel feature of the presently claimed invention lies in its use of psychological information about the consumer, where the psychological information is associated with the personal care product (for example see the description beginning on page 14, the description beginning on page 26, and Figs. 11-14). The psychological information includes information such as color preference, style preference, lifestyle preference, life stage, attitude, desired style, imagery, fantasy locations, fantasy personality, and other such psychological information about the consumer, all of which are associated with different personal care product components. Applicants respectfully submit that the Wilmott reference is completely silent with regard to a computer-implemented method that includes the use of fanciful images and psychological information about the consumer that convey a mood or a feeling to help associate a personal care product with the mood or feeling and thus include subjective factors in generating consumer-specified and computer-readable preference data using a user interface of a host computer in the retail environment. Applicants have amended claim 1 as set forth above to include these elements of the presently claimed invention, to better distinguish the present invention from that of Wilmott. For at least these reasons Applicants respectfully submit that amended claim 1 is not anticipated by the Wilmott reference. Furthermore, considering that dependent claims 2-21 include all of the features and

elements of amended claim 1 from which they depend, these claims are also patentable at least to the same extent that amended independent claim 1 is patentable.

Furthermore, Applicants have added new dependent claims 36-37 to better articulate and thus provide an adequate level of protection for the presently claimed invention.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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Attachments
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PATENT

Amendments to the Drawings:

The attached sheets of drawings are replacement Figs. 28-33 and 35-43, without the shading objected to by the Examiner.

Attachment: Replacement Sheets for Figs. 28-33 and 35-43.